

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NOS. 2013120202 and
2014010234

ORDER GRANTING MOTION TO
CONSOLIDATE

On December 3, 2013, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (Student Complaint) that named the Temecula Valley Unified School District (District). OAH has given the Student Complaint case number 2013120202. Currently pending in the Student Complaint is a prehearing conference set for January 24, 2014, and a due process hearing set for January 28, 2014.

On January 7, 2014, the District, through counsel, filed with OAH a Complaint for Due Process Hearing (District Complaint) that named Student. OAH has given the District Complaint case number 2014010234. Currently pending in the District Complaint is a mediation set for January 23, 2014, a prehearing conference set for January 31, 2014, and a due process hearing set for February 6, 2014.

On January 7, 2014, the District also filed with OAH a motion to consolidate the Student and District Complaints. On January 9, 2014, Student filed with AOH an opposition to the motion. On January 13, 2013, the District filed with OAH a reply to the opposition.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the Student and District Complaints involve common questions of law and fact. The Student Complaint alleges that the District failed to appropriately assess Student, and that a June 2013 IEP failed to offer Student a free and appropriate public education (FAPE) in the least restrictive environment. The District Complaint seeks an order to be allowed to perform an educationally-related mental health services assessment, and that the District's

October 2013 IEP offered Student a FAPE. These issues sufficiently intertwine for consolidation purposes. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH case number 2013120202 (Student Complaint) are vacated.
3. The initially scheduled mediation and hearing dates in OAH case number 2014010234, shall be the mediation and hearing dates for the consolidated matters.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH case number 2014010234 (District Complaint).

Dated: January 14, 2014

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings